REGULATION No. I OF 1910.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 24TH DAY OF AUGUST 1910.)

A Regulation to provide for certain matters in connection with the taking of the Census.

Preamble.

Whereas it has been determined to take a census of Mysore during the year 1911, and it is expedient to provide for certain matters in connection with the taking of such census; His Highness the Maharaja is pleased to enact as follows:—

Title, extent and commencement.

1. (1) This Regulation may be called "the Mysore Census Regulation, 1910."

(2) It extends to the whole of Mysore; and

(3) It shall come into force at once.

Appointment of census-officers.

2. (1) The Government may appoint any person to take, or aid in or supervise the taking of, the census within any specified local area.

(2) Persons so appointed shall be called census-officers.

(3) The Government may delegate to such authority as it thinks fit the power of appointing census-officers which is conferred by this section.

Proof of appointment of census-officers, and their status as public servants.

3. (1) A declaration in writing, signed by any officer authorised by the Government in this behalf, that any person has been duly appointed a census-officer for any local area shall be conclusive proof of such appointment.

(2) All census-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

Discharge of duties of census-officers in certain cases.

4. (1) (*a*) Every officer in command of any body of men belonging to His Highness the Maharaja's Military Forces,

(*b*) every person in charge of a lunatic asylum, hospital, workhouse, prison, reformatory or lock-up, or of any public, charitable, religious or educational institution,

(*c*) every keeper, secretary or manager of any chuttram, hotel, boarding-house, lodging-house or club, and

(*d*) every occupant of immovable property and every manager or officer of a railway or other commercial or industrial enterprise who has at the time of the taking of the census not less than twenty persons employed under him, or living on or in such property,

shall, if so required by the District Magistrate, or by such officer as the Government may appoint in this behalf, perform such of the duties of a census-officer in relation to the persons who at the time of the taking of the census are under his command or charge, or inmates of his house or present on or in such immovable property, as such Magistrate or officer may, by written order, direct.

(2) All the provisions of this Regulation relating to census-officers shall apply, so far as they can be made

applicable, to all persons while performing such duties under this section, and any person refusing or neglecting to perform any duty which he is directed under this section to perform shall be deemed to have committed an offence under Section 187 of the Indian Penal Code.

Power of District Magistrate to call upon certain persons to give assistance.

5. (1) The District Magistrate, or such officer as the Government may appoint in this behalf for any local area, may, by written order, which shall have effect throughout the limits of his district or of such local area, as the case may be, call upon—

(*a*) all owners and occupiers of land, tenure-holders, farmers, and assignees of land-revenue or their agents, and

(*b*) all village officials in alienated tracts including inam and kayamgutta villages and jahgirs,

to give such assistance as he needs towards the taking of a census of the persons who are at the time of the taking of the census on the lands of such owners, occupiers, holders, farmers and assignees, or in the villages or other areas for which such village officials are appointed, as the case may be.

(2) Such order shall specify the nature of the assistance required, and such owners, occupiers, holders, farmers and assignees or their agents, and such village officials shall be bound to obey it.

Asking of questions by census-officers.

6. Every census-officer may ask all such questions of all persons within the limits of the local area for which he is appointed as, by instructions issued in this behalf by the Government and published in the official Gazette, he may be directed to ask.

Obligation to answer questions.

7. Every person of whom any question is asked under the last foregoing section shall be legally bound to answer such question to the best of his knowledge or belief:

Provided that no person shall be bound to state the name of any female member of his household, and that no woman shall be bound to state the name of her husband or deceased husband or of any other person whose name she is forbidden by custom to mention.

Occupier to allow access, and permit affixing of numbers.

8. Every person occupying any house, enclosure or other place shall allow census-officers such access thereto as they may require for the purposes of the census, and as, having regard to the customs of the country, may be reasonable, and shall allow them to paint on or affix to the place such letters, marks or numbers as may be necessary for the purposes of the census.

Occupier to fill up schedule.

9. (1) Subject to such orders as the Government may issue in this behalf, any census-officer may leave, or cause to be left—

(*a*) at any dwelling-house within the local area for which he is appointed, or

(*b*) with any manager or officer of any commercial or industrial enterprise who has at the time of the taking of the census not less than twenty persons employed under him,

a schedule for the purpose of its being filled up by the occupier of such house or of any specified part thereof or by such manager or officer with such particulars as the Government may direct regarding the inmates of such house or part or the persons employed under such manager or officer at the time of the taking of the census.

(2) When any such schedule has been so left, the occupier of the house or part to which it relates or the manager or officer with whom it is left shall fill it up, or cause it to be filled up, to the best of his knowledge or belief, so far as regards the inmates of such house or part, as the case may be, or the persons employed under him at the time aforesaid, and shall sign his name thereto, and, when so required, shall deliver the schedule so filled up and signed to the census-officer or to such person as he may direct.

10. In any of the following cases, namely :— Penalties.

(*a*) if a census-officer or a person appointed to be a census-officer or a person lawfully required to give assistance towards the taking of a census refuses or neglects to use reasonable diligence in performing any duty imposed upon him or in obeying any order issued to him in accordance with this Regulation, or with any rule duly made thereunder,

(*b*) if a census-officer intentionally puts any offensive or improper question or knowingly makes any false return,

(*c*) if any person refuses to answer to the best of his knowledge or belief any question asked of him by a census-officer which he is legally bound by section 7 so to answer,

(*d*) if any person occupying any house, enclosure or other place refuses to allow a census-officer such reasonable access thereto as he is required by section 8 to allow,

(*e*) if any person removes, obliterates, alters or injures before the eleventh day of September 1911, any letters, marks or numbers which have been painted or affixed for the purposes of the census,

(*f*) if any occupier of a dwelling-house or part thereof or any person with whom a schedule is left under section 9 knowingly and without sufficient cause fails to comply with the provisions of section 9 or makes any false return under that section,

he shall be punishable with fine which may extend to fifty rupees.

11. (1) The Government may, by notification in the official Gazette, declare before what classes of Magistrates prosecutions under this Regulation may be instituted. Jurisdiction in prosecutions.

(2) No prosecution under this Regulation shall be instituted except with the previous sanction of the Government, or with the previous sanction of some officer authorised by the Government in this behalf.

12. No person shall have a right to inspect any book, register or record made by a census-officer in the discharge of his duty as such officer or any schedule delivered under section 9, and notwithstanding anything to the contrary in the Indian Evidence Act, 1872, no entry in any such book, register, record or schedule shall be admissible as evidence in any civil proceeding or any proceeding under Chapter XII or Chapter XXXVI of the Code of Criminal Procedure, 1904. Records of census not open to inspection or admissible in evidence in certain proceedings.

13. Notwithstanding anything in any enactment or rule with respect to the mode in which a census is to be taken in any municipality, the municipal authority may, at the time appointed for the taking of the census of Mysore during the year 1911, cause the census of the municipality to be taken wholly or in part by any method authorised by this Regulation. Temporary suspension of local enactments and rules as to mode of taking census in municipalities.

Power in regard to expenses.

14. Notwithstanding anything in any enactment or rule, in regard to municipal or local funds, the Government may direct that the whole or any part of any expenses incurred for anything done in accordance with this Regulation may be charged to any municipal or local fund constituted for, and on behalf of, the area within which such expenses were incurred.

Power to make rules.

15. (1) The Government may make rules for carrying out the purposes of this Regulation.

(2) In particular, and without projudice to the generality of the foregoing power, the Government may make rules providing—

(*a*) for the appointment of census-officers and of persons to perform any of the duties of census-officers or to give assistance towards the taking of a census and for the general instructions to be issued to such officers and persons,

(*b*) for the enumeration of persons employed on railways and their families and of other classes of the population for whom it may be necessary or expedient to make special provision,

(*c*) for the enumeration of persons travelling on the night when a census is taken.

T. ANANDA ROW,
Dewan.

Statement of objects and reasons.

This Regulation is intended to provide for the taking of a General Census in 1911. It is based on the corresponding Regulation of 1900 and on the Act recently passed by the Government of India and embodies the changes introduced into that Act on the recommendation of the select committee, for obtaining the information necessary for the preparation of a special schedule for factories, mills, mines and similar industrial concerns.